

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Document #

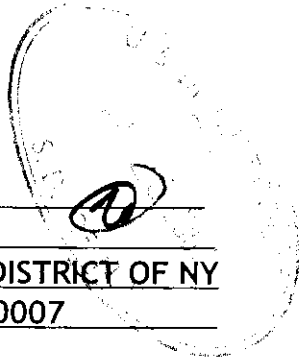
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Frederick Monroe

USCA NO. _____

-v-

SDNY NO. 05cv6704JUDGE: LAKDATE: 7/26/ 2007Supt. of C.F. Artus Dale
-----**INDEX TO THE RECORD ON APPEAL**

PREPARED BY (NAME) Nezam D.
FIRM APPEALS SECTION
ADDRESS UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NY
500 PEARL STREET, NEW YORK, NEW YORK 10007
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

Clerk's Certificate_____
See Attached List of Numbered Documents_____
Only Circled Documents Included(☒) Original Record

(___) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A
for the Second Circuit on the 26th Day of July, 2007.

**United States District Court for
the Southern District of New York**

Frederick Monroe

-V-

Supt. of C.F. Artus Dale

Date: 7/26/ 2007

U.S.C.A. # _____

U.S.D.C. # 05cv6704

D.C. JUDGE LAK

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 20, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

<u>4/13/2007</u>	<u>Endorsed Letter</u>

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 26th Day of July In this year of our Lord, Two Thousand and Seven, and the Independence of the United States this 232nd year.

J. Michael McMahon, Clerk

By 
Deputy Clerk

APPEAL, CASREF, CLOSED, HABEAS

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:05-cv-06704-LAK-JCF
Internal Use Only

Monroe v. Dale
Assigned to: Judge Lewis A. Kaplan
Referred to: Magistrate Judge James C. Francis
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 07/26/2005
Date Terminated: 06/26/2007
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: Federal Question

Date Filed	#	Docket Text
07/26/2005	1	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2254. Document filed by Frederick Monroe.(jeh,) (Entered: 08/02/2005)
07/26/2005		Magistrate Judge James C. Francis is so designated. (jeh,) (Entered: 08/02/2005)
08/09/2005	2	ORDER; the case is transferred to the suspense docket. The petitioner shall advise the Court within 30 days of the denial of any Section 460.15 application, or the granting of any relief in state court. If the petitioner does not so advise the Court, the case will be subject to dismissal with prejudice. The Court reminds the petitioner, who indicated that he has not petition or appeal now pending in any court even though the contrary would appear to be the case, that all statements in his petition are made under penalty or perjury. (Signed by Judge Lewis A. Kaplan on 8/9/05) (sac,) (Entered: 08/10/2005)
01/23/2006	3	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial with dispositive motion. Referred to Magistrate Judge James C. Francis. (Signed by Judge Lewis A. Kaplan on 1/18/06) (kco,) (Entered: 01/23/2006)
01/24/2006	4	ORDER the Clerk of Court shall serve a copy of this Order and Petition, by certified mail, upon the Attorney General of the State of New York and the District Attorney's Office for the New York County, and shall also send a copy of this Order, by certified mail, upon Frederick Monroe. Respondent shall file an answer no later than March 31, 2006. (Signed by Judge Lewis A. Kaplan on 1/24/06) Copies Mailed By Chambers.(rdz,) (Entered: 01/26/2006)
01/24/2006		Mailed a copy of [4] Order to Answer, to Frederick Monroe by Certified Mail # 7002 2030 0001 1914 9272 with Return Receipt Requested. (rdz,) (Entered: 01/26/2006)
01/24/2006		Mailed a copy of [4] Order to Answer, [1] Petition for Writ of Habeas Corpus to Attorney General of the State of New York by Certified Mail # 7002 2030 0001 1914 9265 with Return Receipt Requested. (rdz,) (Entered: 01/26/2006)
01/24/2006		Mailed a copy of [4] Order to Answer, [1] Petition for Writ of Habeas Corpus to the District Attorney's Office of the New York County by Certified Mail # 7002 2030 0001 1914 9258 with Return Receipt Requested. (rdz,) (Entered: 01/26/2006)
02/01/2006		Received Return Receipt of [4] Order to Answer, [1] Petition for Writ of Habeas Corpus as to the Attorney General of the State of NY, which was served by Certified Mail # 120 Broadway, on 1/30/06. (lma,) (Entered: 02/01/2006)
02/01/2006		Received Return Receipt of [4] Order to Answer, as to Frederick Monroe, petitioner, which was served by Certified Mail # 7002 2030 0001 1914 9272, on 1/30/06. (lma,) (Entered: 02/01/2006)
02/08/2006	5	ENDORSED LETTER addressed to Judge James C. Francis IV from Michelle Maerov dated 2/2/06 re: Counsel writes to request a three-month extension to file our response to the habeas petition until 7/1/06. Application denied. The request is both premature and excessive. I will consider an application closer to the current deadline but will not look favorably on one cases only on resource allocation. So Ordered. (Signed by Judge James C. Francis on 2/7/06) (jco,) (Entered: 02/09/2006)
03/02/2006		Received Return Receipt as to the District Attorney, NY County, which was served by Certified Mail # 7002 2030 0001 1914 9258, on 1/28/06. (lma,) (Entered: 03/02/2006)
03/02/2006	6	LETTER addressed to Mag. Judge Francis from Frederick Monroe dated 2/27/06 re: plaintiff inquires if there are any additional papers and/or documents that should be sent. Document filed by Frederick Monroe.(dj,) (Entered: 03/03/2006)
03/30/2006	7	ENDORSED LETTER addressed to Magistrate Judge James C. Francis from Deborah L. Morse dated 3/28/06 re: counsel for dfts request a 45 day extension of time, until 5/15/06 to file their response to the petition. Application granted. In addition, petitioner's time to reply is extended to 6/15/06. (Signed by Judge James C. Francis on 3/29/06) (dlc,) (Entered: 03/30/2006)
03/30/2006		Set Answer Due Date purs. to [7] Endorsed Letter, as to Artus Dale answer due on 5/15/2006. (dle,) (Entered: 03/30/2006)
05/16/2006	8	ENDORSED LETTER: addressed to Magistrate Judge James C. Francis IV from Deborah L. Morse dated 5/12/2006 re: Respondent respectfully requests an additional 1 week extension of time, until 5/22/2006 to file their response to the petition. ENDORSEMENT: Application Granted. In addition, petitioner's time to reply is extended to 6/22/2006. So Ordered. (Signed by Magistrate Judge James C. Francis on 5/15/2006) (lb,) (Entered: 05/16/2006)
05/22/2006	9	MEMORANDUM OF LAW in Opposition re: [1] Petition for Writ of Habeas Corpus. Document filed by Artus Dale. Appendix attached.(jco,) (Entered: 05/24/2006)
07/18/2006	10	ORDER: It is hereby ordered that petitioner shall submit any reply papers by 8/31/2006, failing which the petition shall be evaluated based on the current record. (Signed by Magistrate Judge James C. Francis on 7/18/2006) Copies Mailed By Chambers.(lb,) (Entered: 07/18/2006)
12/21/2006	11	REPORT AND RECOMMENDATIONS re: for reasons further set forth in said R&R, I recommend that Mr. Monroe's [1] Petition for Writ of Habeas Corpus be DENIED. Failure to file timely objections will preclude appellate review. Objections to R&R due by 1/4/2007. (Signed by Judge James C. Francis on 12/21/06) (db,) (Entered: 12/21/2006)
01/17/2007	12	ENDORSED LETTER addressed to Judge Kaplan from Frederick Monroe dated 1/2/07 re request for a 90 day extension for filing a response to the R & R of Mag Francis: granted. (Signed by Judge Lewis A. Kaplan on 1/8/07) (cd) (Entered: 01/18/2007)
01/17/2007	13	STATE COURT TRANSCRIPT of proceedings in the Supreme Court, County of New York, Case Number 7888-00, 8140-00, held on 10/25/01 before Judge R. Zweibel.(dle)(Volume I) Modified on 1/23/2007 (Lewis, Diahian). (Entered: 01/23/2007)

01/17/2007	14	STATE COURT TRANSCRIPT of proceedings in the Supreme Court, County of New York, Case Number 7888-00, held on 1/14/02 before Judge Bonnie Wittner. (dle) (Volume II) Modified on 1/23/2007 (Lewis, Diahna). (Entered: 01/23/2007)
01/17/2007	15	STATE COURT TRANSCRIPT of proceedings in the Supreme Court, County of New York, Case Number 7888-00, held on 1/16/02 before Judge Bonnie Wittner. (Volume III)(dle) (Entered: 01/23/2007)
01/25/2007	16	STATE COURT TRANSCRIPT of proceedings in the Supreme Court, County of New York, Case Number 7888-00, held on 1/22/2002 before Judge Hon. Bonnie Wittner.(jmi) (Entered: 01/25/2007)
01/25/2007	17	STATE COURT TRANSCRIPT of proceedings in the Supreme Court, County of New York, Case Number 7888-00, held on 1/24/2002 before Judge Hon. Bonnie Wittner.(jmi) (Entered: 01/25/2007)
04/13/2007	18	ENDORSED LETTER addressed to Judge Lewis A. Kaplan from Frederick E. Monroe dated 4/3/07 re: Pro Se plaintiff writes to request an additional 30 days to submit an objection to Magistrate James C. Francis IV Findings of Facts and Recommendation. Granted. No further extensions as the R&R was issued over 3 months ago. So Ordered. (Signed by Judge Lewis A. Kaplan on 4/6/07) (jco) Modified on 4/16/2007 (Correa, Julie). (Entered: 04/16/2007)
06/20/2007	19	ORDER , the petition for habeas corpus is denied, substantially for the reasons set forth in the report and recommendation of Magistrate Judge Francis, dated December 21, 2006, to which no objections having been filed. A certificate of appealability is denied, and the Court certifies that any appeal from this order would not be taken in good faith within the meaning of 28 U.S.C. 1915(a)(3). (Signed by Judge Lewis A. Kaplan on 6/19/2007) Copies Mailed By Chambers.(jpo) (Entered: 06/22/2007)
06/20/2007		Transmission to Judgments and Orders Clerk. Transmitted re: [19] Order Dismissing Petition,, to the Judgments and Orders Clerk. (jpo) (Entered: 06/22/2007)
06/26/2007	20	CLERK'S JUDGMENT in favor of Artus Dale against Frederick Monroe that the Report of Magistrate Judge Francis is adopted, the petition is denied as is a certificate of appealability. (Signed by Judge Lewis A. Kaplan on 6/26/07) (jf) (Entered: 06/26/2007)
07/10/2007	21	NOTICE OF APPEAL from [20] Clerk's Judgment. Document filed by Frederick Monroe. Copies sent to attorney(s) of record: Attorney General, NYS. (tp) (Entered: 07/23/2007)
07/10/2007		Appeal Remark as to [21] Notice of Appeal filed by Frederick Monroe. \$455.00 APPEAL FEE DUE. IFP REVOKED 6/19/07. COA DENIED 6/19/07. (tp) (Entered: 07/23/2007)
07/23/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: [21] Notice of Appeal. (tp) (Entered: 07/23/2007)
07/23/2007		Transmission of Notice of Appeal to the District Judge re: [21] Notice of Appeal. (tp) (Entered: 07/23/2007)